

CLASSIFICATION OFFICE DECISION

Title of publication: IMG_6244.JPG

Other known title(s): Not stated

OFLC ref: 1900203.021

Medium: Image File

Publisher: Not stated

Country of origin: Not stated

Language: English

Applicant: Commissioner of Police

Classification:	Objectionable.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 01 August 2019

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 01 August 2019

Summary of reasons for decision:

The image file depicts a boy lying on a bed with his thumb inserted in the waistband of his underwear whilst looking at the camera with a wary expression. The combined effect gives the image a sexually exploitative tone. The image is deemed to be objectionable because it tends to promote and support the exploitation of children or young persons for sexual purposes under s3(2)(a) of the Films, Videos, and Publications Classification Act 1993. The image invites a sexual gaze and is likely to be titillating to those with a sexual interest in children or young persons by presenting them as appropriate subjects for adult sexual fantasy and desire. The objectionable classification interferes with the right to freedom of expression set out in the New Zealand Bill of Rights Act 1990. However, this is an outcome that is consistent with Parliament's intention to limit the availability of publications that tend to promote or support the exploitation of children or young persons for sexual purposes, and also reflects the concern of a free and democratic society to protect its young and vulnerable members from such exploitation.